

Notice of Allowability

Application No.

09/538,752

Examiner

Alex P. Rada

Applicant(s)

WALKER ET AL.

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/14/06.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 12-16, 18, 20-22, 24, 31-34 and 40-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

JOHN M. HOTALING, II
PRIMARY EXAMINER

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DETAILED ACTION

Response to Amendment

In response to the RCE filed June 14, 2006 in which applicant amends claims 1-2, 20, 31, 33-34 and claims 1-4, 6-10, 12-16, 18, 20-22, 24, 31-34, 40-49 are pending in this application.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Magdalena M. Fincham Reg. No. 46,058 ever on August 21, 2006.

The application has been amended as follows:

Please delete in claim 20, line 1 the word "one" between the words the and winning.

Please change in claim 22 line 1 the number "19" to the number -- 1 -- between the words claim and wherein.

Please delete in claim 22, line 1 the word "one" between the words the and winning.

Please change in claim 24 line 1 the number "19" to the number -- 1 -- between the words claim and wherein.

The changes made were authorized by applicant's representative to place the case in condition for allowance.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art does not disclose nor teach according to claims 1 and 31-34 a method of resolving a hand of blackjack where determining that the hand of blackjack has resulted in a push, generate and display an indication of an additional random outcome to the player, based on the random outcome determine if the player has won the hand of blackjack, wherein the random outcome is statistically independent of the hand of blackjack player prior to the push, determine, based on the additional random outcome, which of a plurality of possible winning amounts the player has won if the additional random outcome results in the player winning the hand of blackjack and providing to the player the winning amount in combination with the rest of the claimed limitations. The closest prior art of Hesse and Feola disclose a blackjack game where a hand has resulted in a push and if the player wins only one possible winning amount that is calculated based on the player's wager amount. Hess and Feola fail to disclose determining, based on the random outcome, which of a plurality of possible winning amounts the player has won if the random outcome results in the player winning the hand of blackjack and providing to the player the winning amount in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


APR